MDR Tracking #M4-03-5231-01

Under the provisions of Section 413.031 of the Texas Workers' Compensation Act, Title 5, Subtitle A of the Texas Labor Code, effective June 17, 2001 and Commission Rule 133.305, titled Medical Dispute Resolution-General, and 133.307, titled Medical Dispute Resolution of a Medical Fee Dispute, a review was conducted by the Division regarding a medical fee dispute between the requestor and the respondent named above. This dispute was received on 4/7/03.

I. DISPUTE

Whether there should be additional reimbursement for institutional services, dated 12/30/02 and reduced or denied on the basis of "M" – fair and reasonable.

II. RATIONALE

The epidural steroid injection, left L5-S1 with fluoroscopic assistance was delivered in the requestor's office. According to the requestor, in a letter dated 3/21/03, the carrier denied payment on services because the services were delivered in a facility not approved by the Texas Department of Health as a Free Standing Facility.

The carrier's EOBs and response makes no mention of this allegation, instead stating that all services were denied or reduced on the basis of "M" – fair and reasonable.

The carrier paid $397.80 out of $690.00 billed, stating all services billed were paid under the "O/R Service". The requestor did not question whether or not this payment was "fair and reasonable". The requestor failed to establish that their charges were considered "fair and reasonable" by other carriers.

Rule 133.307 (g)(3)(D) requires the requestor to discuss, demonstrate, and justify that the payment amount being sought is fair and reasonable. On this basis, additional reimbursement is not recommended.

III. DECISION

Based upon the review of the disputed healthcare services within this request, the Division has determined that the requestor **is not** entitled to reimbursement for institutional services.

The above Findings and Decision are hereby issued this 12th day of October, 2004.

Noel L. Beavers
Medical Dispute Resolution Officer
Medical Review Division

NLB/nlb